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EXAMINER	
CAO, PHUONG THAO	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/678,516	SHINOZAKI, WATARU	
	Examiner	Art Unit	
	Phuong-Thao Cao	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/3/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to Amendment filed on 12/3/2007.

2. Claims 6 and 7 have been added. Currently, claims 1-7 are pending.

Information Disclosure Statement

3. The Information Disclosure Statement (IDS) filed by Applicant on 01/03/2008 has been received and considered. A copy of the reviewed IDS is enclosed with this office action.

Response to Arguments

4. Applicant's arguments filed on 12/3/2007 have been fully considered but they are not persuasive.

Regarding Applicant's argument that Peng does not disclose first and second storages area as recited in claims 1 and 4, Examiner disagrees. A storage area is a very broad language; anything that store data can be broadly interpreted as a storage area, for example, a folder, a file, a data structure, a display screen/window/frame/textbox and even a paper with printed data can be all considered as a storage area as recited. The memory disclosed by Peng in [column 7, lines 55-60], storing multiple files can be interpreted including multiple storage areas wherein each file can be interpreted as a storage area. More specifically, the data structure file as disclosed in

[column 14, lines 15-18] and Fig. 9, storing the audio data along with its linked image data is interpreted as a first storage area as claimed and an image file storing only image data is interpreted as a second storage area as claimed.

Regarding Applicant's argument that the logical application of Nishiyama et al to Peng would clearly not result in both (i) a first storage area to store audio data and image data that is linked to a predetermined playback position of the audio data and (ii) a second storage area to store only image data and no audio data, as recited in independent claims 1 and 4, this argument is incorrect since Peng teaches both (i) and (ii) as discussed above. On the other hand, Nishiyama et al. is combined mainly for its teaching of cancelling the link between audio data and image data.

Regarding Applicant's argument that Examiner has not provided any reasoning to suggest how the disclosure of Imura et al. could cause one of ordinary skill in the art to alter this structure of Nishiyama et al. in a manner that would result in moving image data in relation to canceling a link between audio and image data, this argument is invalid because the main reference is Peng instead of Nishiyama et al.

In addition, it is a well settled rule that a reference must be considered not only for what it expressly teaches but also for what it fairly suggests. See *In re Burckel*, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979) and *In re Lamberti*, 545 F.2d 747, 192 USPQ 278 (CCPA 1976) as well as *In re Bode*, 550 F.2d 656, 193 USPQ 12 (CCPA 1977) which indicates such fair suggestions to unpreferred embodiments must be considered even if they were not illustrated. Additionally,

it is an equally well settled rule that what a reference can be said to fairly suggest relates to the concepts fairly contained therein, and is not limited by the specific structure chosen to illustrate such concepts. *See In re Bascom*, 230 F.2d 612, 109 USPQ 98 (CCPA 1956).

Therefore, the teaching of moving image data/file by Imura et al. (see paragraph [0012]) fairly suggests the use of this moving feature in relation to any condition as chose by one of ordinary skill in the art.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 4, 6 and 7 (effective filing date 10/09/2002) are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US Patent No 6,774,939, effective filing date 02/29/2000) in view of Nishiyama et al. (Publication No US 2003/0055905, effective filing date 08/29/2002) and Imura et al. (Publication No US 2003/0011687, effective filing date 04/22/2002).

As to claim 1, Peng teaches:

"A data editing apparatus" (see Peng, Abstract and [column 5, lines 56-65]) comprising:

"a storage section" (see Peng, [column 5, lines 31-33] for memory), including:

"a first storage area to store audio data and image data that is linked to a predetermined playback position of the audio data and a second storage area to store only image data and no audio data";" (see Peng, [column 11, lines 15-20] for memory 120 can be considered as including a plurality of storage areas, e.g., blocks, file, folders, and any file or collection of files can be broadly interpreted as a storage area)

However, Peng does not explicitly teach:

"link release means for canceling a link between arbitrary audio data and image data linked therewith which are stored in the first storage area".

On the other hand, Nishiyama et al. teaches a second storage area to store only image data (see Nishiyama et al., [0026] for a directory for storing image data) and a function of deleting the link between the image data and the sound data (see Nishiyama et al., [0075]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Nishiyama et al. to Peng's system. Skilled artisan would have been motivated to do so to provide an effective storage system and an additional function for the editing device to manage and manipulate audio and image data and their associations or links. In addition, both of the references (Peng and Nishiyama et al.) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, audio files, image files, and link between audio files and image files. This close relation between both of the reference highly suggests an expectation of success.

However, Peng and Nishiyama et al. do not teach:

"moving means for moving the image data, from which the link is canceled from the first storage area to the second storage area when the link is canceled by the link release means, such that the image data from which the link is canceled is no longer stored in the first storage area".

Imura et al. teaches a function of moving an image file from one storage area to another storage area (see Imura et al., [0012], [0045] and [0079]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Imura et al. to the Peng and Nishiyama et al.'s system to add the feature of moving the image data. Skilled artisan would have been motivated to do provide an effective way to organize and manipulate data in the editing system.

As to claim 4, Peng teaches:

"A computer-readable storage medium having a data editing program stored thereon which is executable by a computer to cause the computer to edit audio data and image data linked to a predetermined playback position of the audio data, wherein the audio data and the image data linked thereto are stored in a first storage area, and a second storage area wherein only image data, and no audio data, is stored in the second storage area" (see Peng, Abstract, [column 11, lines 15-20] and Fig. 10 for memory 120 can be considered as including a plurality of storage areas, e.g., blocks, file, folders).

However, Peng does not explicitly teach:

"canceling a link between arbitrary audio data and corresponding image data stored in the first storage area".

On the other hand, Nishiyama et al. teaches a second storage area to store only image data (see Nishiyama et al., [0026] for a directory for storing image data) and a function of deleting the link between the image data and the sound data (see Nishiyama et al., [0075]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Nishiyama et al. to Peng's system. Skilled artisan would have been motivated to do so to provide an effective storage system and an additional function for the editing device to manage and manipulate audio and image data and their associations or links. In addition, both of the references (Peng and Nishiyama et al.) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, audio files, image files, and link between audio files and image files. This close relation between both of the reference highly suggests an expectation of success.

However, Peng and Nishiyama et al. do not teach:

"moving the image data, from which the link is canceled from the first storage area to a second storage area when the link is canceled by the link release means, such that the image data from which the link is canceled is no longer stored in the first storage area".

On the other hand, Imura et al. teaches a function of moving an image file from one storage area to another storage area (see Imura et al., [0012], [0045] and [0079]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Imura et al. to the Peng and Nishiyama et al.'s system to add the feature of moving the image data. Skilled artisan would have been motivated to do provide an effective way to organize and manipulate data in the editing system.

As to claim 6, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Peng, Nishiyama et al. and Imura et al. teach:

"display means for displaying an editing window that includes a first display area for displaying a list of audio data stored in the first storage area such that the audio data is selectable, a second display area for displaying a list of image data stored in the second storage area, and a third display area for displaying a list of image data that is linked to audio data that has been selected from the list of audio data displayed in the first area" (see Peng, [column 3, 30-40 and 50-55], [column 5, lines 57-60], [column 6, lines 12-15 and 30-45] and [column 11, lines 60-67] wherein each selection from the menu can be interpreted as a display area); and

"wherein the link release means cancels the link between the arbitrary audio data and image data linked therewith which are stored in the first storage area, in response to an operation on the editing window" (see Nishiyama et al., [0075]).

As to claim 7, Peng teaches:

"A computer-readable storage medium having a data editing program stored thereon which is executable by a computer to cause the computer to edit audio data and image data linked to a predetermined playback position of the audio data, the program being executable by the computer to cause the computer to execute functions" (see Peng, Abstract) comprising:

"displaying on a display of the computer an editing window that includes" (see Peng, Fig. 2):

"a first display area for displaying a list of audio data that is stored in a first storage area in a memory of the computer, such that the audio data is selectable" (see Peng, [column 11, lines 60-65] wherein each selection from menu represents a display area, and see [column 3, lines 37-55] wherein playing back an audio file required selecting it),

"a second display area for displaying a list of image data that is not linked to audio data being stored in a second storage area in the memory that is different from the first storage area" (see Peng, [column 5, lines 30-35] and [column 3, lines 50-55] wherein memory is considered as including multiple storage areas and each file or a collection of file can be considered as a storage area), and

"a third display area for displaying a list of image data that is linked to audio data that has been selected from the list of audio data displayed in the first display area, the image data that is linked to the audio data being stored in the first storage area" (see Peng, [column 3, lines 50-55]).

However, Peng does not explicitly teach:

"canceling a link between arbitrary audio data and corresponding image data stored in the first storage area, in response to an operation on the editing window".

On the other hand, Nishiyama et al. teaches:

"canceling a link between arbitrary audio data and corresponding image data stored in the first storage area, in response to an operation on the editing window" (see Nishiyama et al., [0075]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Nishiyama et al. to Peng's system. Skilled artisan would have been motivated to do so to provide an effective storage system and an

additional function for the editing device to manage and manipulate audio and image data and their associations or links. In addition, both of the references (Peng and Nishiyama et al.) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, audio files, image files, and link between audio files and image files. This close relation between both of the reference highly suggests an expectation of success.

However, Peng and Nishiyama et al. do not teach:

"moving the image data, from which the link is canceled from the first storage area to a second storage area when the link is canceled by the link release means, such that the image data from which the link is canceled is no longer stored in the first storage area".

On the other hand, Imura et al. teaches a function of moving an image file from one storage area to another storage area (see Imura et al., [0012], [0045] and [0079]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Imura et al. to the Peng and Nishiyama et al.'s system to add the feature of moving the image data. Skilled artisan would have been motivated to do provide an effective way to organize and manipulate data in the editing system.

7. Claim 2 (effective filing date 10/09/2002) are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US Patent No 6,774,939, effective filing date 02/29/2000) in view of Nishiyama et al. (Publication No US 2003/0055905, effective filing date 08/29/2002) and Imura et al. (Publication No US 2003/0011687, effective filing date 04/22/2002), and further in view of Forster (Publication No US 2003/0167287, effective filing date 04/11/2001).

As to claim 2, Peng, Nishiyama et al. and Imura et al. teach all the limitations as recited in claim 1.

However, Peng, Nishiyama et al. and Imura et al. do not teach "inhibiting means for inhibiting the movement of the image data from which the link is canceled if the same image data as the image data to be moved is already stored in the second storage area".

Forster teaches "inhibiting means for inhibiting the movement of the image data from which the link is canceled if the same image data as the image data to be moved is already stored in the second storage area" (see [0041] wherein modified file is not copied into the file collection when modified file is identical to existing file in the file collection represents an inhibiting means).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Forster into Peng, Nishiyama et al. and Imura et al.'s system to include an inhibiting means for inhibiting the movement of the image from which the link is canceled if the same image data as the image data to be moved is already stored in the second storage area. Skilled artisan would have been motivated to do so in order to reduces time and resource cost involved in the moving process and the system therefore proceeds more efficiently and effectively.

8. Claim 3 (effective filing date 10/09/2002) are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US Patent No 6,774,939, effective filing date 02/29/2000) in view of Nishiyama et al. (Publication No US 2003/0055905, effective filing date 08/29/2002) and Imura

et al. (Publication No US 2003/0011687, effective filing date 04/22/2002), and further in view of Miller et al. (Publication No US 2003/0018777)

As to claim 3, Peng, Nishiyama et al. and Imura et al. teach all the limitations as recited in claim 1.

However, Peng, Nishiyama et al. and Imura et al. do not teach "wherein when canceling the link information, the link release means rewrites header information of the audio data and rewrite header information of the image data to cancel the link between the audio data and the image data".

On the other hand, Miller et al. teaches "wherein when canceling the link information, the link release means rewrites header information of the audio data and rewrite header information of the image data to cancel the link between the audio data and the image data" (see Miller et al., [0075] and [0089] for including link information in file header).

It would be obvious to a person having an ordinary skill in the art at the time the invention was made to incorporate the teaching of Miller et al. into Peng, Nishiyama et al. and Imura et al.'s system to store link data within the audio data and image data, especially in their file header. Skilled artisan would have been motivated to do so to provide an effective and convenient way to manage and control the link information.

9. Claim 5 (effective filing date 10/09/2002) are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US Patent No 6,774,939, effective filing date 02/29/2000) in view of

Nishiyama et al. (Publication No US 2003/0055905, effective filing date 08/29/2002) and Imura et al. (Publication No US 2003/0011687, effective filing date 04/22/2002), and further in view of Nozaki et al. (US Publication No 2002/0057457, effective filing date 6/5/1998).

As to claim 5, Peng, Nishiyama et al. and Imura et al. teach all the limitations as recited in claim 1 and further teach:

"audio data selecting means for selecting a target audio data to be subjected to link addition in an audio data list display area" (see Peng, Fig. 11, step 808, for selecting an audio file);

"means for selecting image data to be linked with the selected audio data from among the image data stored in the second folder" (see Peng, [column 3, lines 50-55]; and see Nishiyama et al., [0064]);

"means for deleting the selected image data from the second folder" (see Nishiyama et al., [0075]).

However, Peng, Nishiyama et al. and Imura et al. does not teach:

"means for linking the selected audio data with the selected image data and copying the linked selected audio data and selected image data to the first folder".

On the other hand, Nozaki et al. teach:

"means for linking the selected audio data with the selected image data and copying the linked selected audio data and selected image data to the first folder" (see Nozaki et al., Abstract and [0082] for linking and copying audio data and image data in the synthesizer).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Nozaki et al. into the Peng, Nishiyama et al., and Imura et al.'s system to add the feature of linking and copying the image data and audio data. Skilled artisan would have been motivated to do provide an effective way to organize and manipulate data in the editing system.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adobe Premiere 6.0 - User Guide discloses an interface including multiple windows (e.g., Monitor window, Project or Bin window, Timeline window) for editing video, still image and audio clips. Timeline Window shows the placement of each clip in time, its duration and its relationship to other clips (see page 171). Clips can be added or moved between windows (see page 198). Adobe Premiere 6.0 allows linking video and audio clips in the Timeline (see page 217) and provides a link/unlink tool to link/unlink video and audio (see page 218).

Itoh (US Patent No. 5,966,122) discloses an editing interface for linking image file and audio file.

Yaegashi et al. (US Patent No. 6,154,601) discloses an editing system for conducting editing processing on video information material containing sound information and moving picture information with the aid of a computer.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571)272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuong-Thao Cao
Art Unit 2164
February 21, 2008

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164